

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**IN RE METHYL TERTIARY BUTYL ETHER  
PRODUCTS LIABILITY LITIGATION**

**This document relates to:**

***City of New York v. Amerada Hess Corporation, et al.,*  
No. 04 Civ. 3417 (SAS)**

Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88

**DECLARATION OF STEPHEN J. RICCARDULLI IN SUPPORT OF  
DEFENDANTS' MEMORANDUM OF LAW IN OPPOSITION TO CITY OF NEW  
YORK'S MOTION TO EXCLUDE TESTIMONY AND OPINION OF DEFENDANTS'  
EXPERT FLETCHER G. DRISCOLL**

Stephen J. Riccardulli, an attorney duly licensed to practice law in the State of New York and in the United States District Court for the Southern District of New York, hereby declares the following under penalties of perjury:

1. I am a member of the law firm of McDermott Will & Emery LLP, counsel for the Exxon Mobil Corporation ("ExxonMobil") Defendants in the above-captioned matter. I submit this Declaration in support of ExxonMobil's Memorandum of Law in Support of Defendants' Memorandum of Law in Opposition to City of New York's Motion to Exclude Testimony and Opinion of Defendants' Expert Fletcher G. Driscoll (hereinafter "Opposition"). This Declaration authenticates the exhibits attached hereto and relied on in support of the Opposition. In accordance with this Court's Individual Rules and Procedures, the exhibits have been excerpted to include only the relevant material. Copies of each of the exhibits appended hereto were made at my direction on or around June 3, 2009.

2. Attached hereto as Exhibit A is a true and correct copy of excerpts from the United States Environmental Protection Agency Complaint, *United States of America v. City of New York* (Dec. 5, 2002).

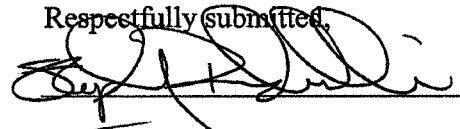
3. Attached hereto as Exhibit B is a true and correct copy of excerpts from the New York State Department of Environmental Conservation Consent Order with the City of New York (Apr. 21, 1994).

4. Attached hereto as Exhibit C is a true and correct copy of excerpts from the United States Environmental Protection Agency Consent Decree with the City of New York, *United States of America v. City of New York* (Jan. 18, 2006).

5. Attached hereto as Exhibit D is a true and correct copy of excerpts from the Expert Report of Fletcher G. Driscoll, Ph.D. (Mar. 9, 2009).

6. Attached hereto as Exhibit E is a true and correct copy of excerpts from the of Deposition of Fletcher G. Driscoll, Ph.D. (Apr. 30, 2009).

Dated: New York, NY  
June 3, 2009

Respectfully submitted,  
  
Stephen J. Riccardulli